

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

K., et al.

v.

Civil No. 09-cv-00094-JL

NH Department of Health
and Human Services, et al.

SUMMARY ORDER

The plaintiffs motion to expedite motion to return passports (document no. 13) is DENIED for the reasons explained during today's telephone conference with counsel. First, because the affected plaintiffs have requests for the same relief pending as part of child custody proceedings in state court, this court must abstain from exercising jurisdiction under Younger v. Harris, 401 U.S. 37 (1971). See Moore v. Sims, 442 U.S. 415, 422-23 (1979); Malachowski v. City of Keene, 787 F.2d 704, 708-09 (1st Cir. 1986). While the plaintiffs have represented that the state court has yet to act on their requests, that delay alone does not suggest the lack of an adequate opportunity to raise whatever objections they have under federal law. Second, in light of the plaintiffs' representation that the defendants have not opposed their requests in state court, the plaintiffs can obtain effective injunctive relief against only the state court itself, which is not a party to this action.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: July 21, 2009

cc: Nancy Sue Tierney, Esq.
Karen A. Schlitzer, Esq.